

Chapter 103
COMPARABLE SERVICES AND BENEFITS

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Section I. Definitions

A. "Comparable services and benefits" means services and benefits that are:

1. Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits; and
2. Available to the person at the time needed to achieve the rehabilitation objectives in the person's Individualized Plan for Employment (IPE) in accordance with the policy in Section II. (B) below; and
3. Commensurate with the services that the person would otherwise receive from the Division of Vocational Rehabilitation (DVR).

Comparable benefits do not include awards based and scholarships based on merit.

B. "Extreme medical risk" means a probability of substantially increasing the risk of functional impairment or death if medical services, including mental health services, are not provided expeditiously.

Section II. General Policy

A. General Policy

1. Prior to providing any vocational rehabilitation services to an eligible person except those services listed in (B) of this Section, DVR shall determine whether comparable services and benefits as defined in Section I above exist under any other program and whether those services and benefits are available to the person; and

2. If comparable services or benefits exist under any other program and are available to the eligible person at the time needed to insure the progress of the individual toward achieving the employment outcome in the person's IPE, DVR shall use those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services; and
3. If comparable services or benefits exist under any other program but are not available to the person at the time needed to satisfy the rehabilitation objectives of the person's IPE, DVR shall provide vocational rehabilitation services until those comparable services and benefits become available.

B. Exemptions

The following services are exempt from a determination of the availability of comparable services and benefits under (A) of this Section:

1. Assessment for determining eligibility and priority for DVR services;
2. Assessment for determining vocational rehabilitation needs;
3. Vocational rehabilitation counseling, guidance, and referral services;
4. Job related services, including job search and placement assistance, job retention services, follow up services and follow along services;
5. Rehabilitation technology; and
6. Post-employment services consisting of the services listed under (B)(1) through (6) of this Section.

GUIDANCE: Although certain services may be exempt from determination of comparable services and benefits, a determination of possible comparable services and benefits may still be made if progress toward employment will not be jeopardized and if the person agrees.

For example: If a person, as the result of a work-related injury, needs a rehabilitation technology service such as voice-activated software for a computer, the Workers' Compensation insurance carrier may be requested to provide it. If determining whether the carrier will provide it will impede progress toward reaching the employment goal, DVR may provide the software but the Workers' Compensation carrier may subsequently be requested and expected to reimburse the funds expended.

C. More Exemptions

The requirements of this Section also do not apply if:

1. The determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any person who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional; or
2. An immediate job placement would be lost due to a delay in the provision of comparable services and benefits; or
3. The search would delay or interrupt the progress of the individual toward achieving the employment outcome identified in the Individualized Plan for Employment.